

### **REMARKS**

Claims 1-38 are pending and claims 1-10 and 20-27 are under consideration. For purposes of expedition, claims 1 and 20 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. No new matter is presented in this Amendment.

### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims **1-3 and 20-22** are rejected under 35 U.S.C. §102(b) as being anticipated by **Kobayashi** (U.S. Patent 6,097,695). Withdrawal of this rejection is respectfully requested.

Fig. 7 of Kobayashi shows three photoreceptors, photoreceptors 23, 27, and 28. Photoreceptor 23 receives optical flux from a beam splitter 20, while photoreceptors 27 and 28 receive an optical flux from a beam splitter 27. Photoreceptor 23 receives the optical flux and outputs a reproduced signal RF, a push-pull signal PP, and a focus error signal FE. As shown in Fig. 6, a frame address detecting circuit receives the PP signal and extracts the wobble signal from it.

Claim 1 recites, in part, "a photodetector which receives the laser light beam reflected from the optical information storage medium and which comprises first and second photodiodes which independently convert a received optical signal into first and second electric signals, respectively; a reproduction-related user (RRU) data demodulator which demodulates the reproduction-related user data from a sum signal of the first and second electrical signals; and a read only memory-permanent information control (ROM-PIC) data demodulator which demodulates the optical information storage medium-related information from the sum signal."

In contrast, the two photodetectors 28 and 29 and the differential amplifier disclosed by Kobayashi, which the Examiner relies upon as the reproduction-related user data demodulator, do not receive a sum signal from the photodetector 23, which the Examiner relies upon as the claimed photodetector. Since the photodetectors 28 and 29 do not receive a signal from the

photodetector 23, Kobayashi does not disclose the RRU data demodulator and the ROM-PIC data demodulator as claimed, or that these elements demodulate the same sum signal output by the photodetector.

For similar reasons, it is respectfully submitted that Kobayashi does not disclose all the limitations of claim 20.

Claims 2, 3, 21, and 22 are deemed patentable due at least to their depending ultimately from claims 1 or 20.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims **4-10 and 23-27** are rejected under 35 U.S.C. §103(a) as being unpatentable over **Kobayashi** (U.S. Patent 6,097,695) in view of **Ahn** (U.S. Patent Application **2006/0203676**).

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

Ahn et al. initially appears to qualify as prior art under 35 U.S.C. §102(e)(1). In addition, it is noted that Ahn et al. was owned by the same person or subject to an obligation of assignment to the same entity with the instant application at the time the invention of the instant application was made. Under 35 U.S.C. §103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP 2146, EXAMINATION GUIDELINES FOR 35 U.S.C. 102(E), AS AMENDED BY THE AMERICAN INVENTORS PROTECTION ACT OF 1999, AND FURTHER AMENDED BY THE INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2002, AND 35 U.S.C. 102(G), 1266 OG 77 (January 14, 2003). As such, it is respectfully submitted that Ahn et al. is not available as prior art for use in an obviousness rejection under 35 U.S.C. §103. In particular, the Ahn publication has a U.S. priority date of September 27, 2002; however, this application claims priority to Korean Application No. 2002-76221, filed on December 3, 2002, the verified translation of which is included in this response. Since the Ahn publication was not published prior to the Korean filing date, the Ahn publication does not qualify under either 35 U.S.C. § 102(a) or (b). Therefore, since this application and the

Ahn publication were commonly owned or subject to an obligation of assignment at the time the invention was made, the Ahn publication is not available as prior art for use in an obviousness rejection under 35 U.S.C. § 103.

Further, as to the rejection of claims 9 and 26, it appears the Examiner intended to reject these claims under 36 U.S.C. § 102(b) as anticipated by Kobayashi, since the Examiner did not indicate any deficiencies in Kobayashi, nor did the Examiner indicate how Ahn would correct any deficiency in Kobayashi or why it would have been obvious to a person of ordinary skill in the art at the time the invention was made to correct any deficiency in Kobayashi. However, claims 9 and 26 are nevertheless deemed patentable due at least to their depending from claims 2 and 20, respectively.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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2/14/07

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